

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DELAWARE MARKETING PARTNERS, LLC, a Delaware limited liability company,  Plaintiff  v.  CREDITRON FINANCIAL SERVICES, INC, a Pennsylvania corporation, and, TELATRON MARKETING GROUP, INC., a Pennsylvania corporation,  Defendants	CA No.: 04-263  JUDGE McLAUGHLIN AND MAGISTRATE JUDGE SUSAN PARADISE BAXTER  TRIAL BY JURY DEMANDED  <b><u>Electronically Filed</u></b>
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**MOTION TO COMPEL DISCOVERY RESPONSES**

AND NOW, comes the Plaintiff, by and through its attorneys, Dickie, McCamey & Chilcote, P.C., and files the following Motion to Compel Discovery Responses averring as follows:

1. Plaintiff filed this lawsuit which involves a contract dispute arising out of certain revenues associated with a student loan origination and marketing agreement entered into between the parties.
2. On September 14, 2005, Plaintiff served Interrogatories and Requests for Production of Documents upon Defendants.
3. On October 25, 2005, counsel for Plaintiff made a good faith attempt to obtain the information requested and to resolve this matter by discussing and requesting this information from counsel.
4. On November 17, 2005, Plaintiff filed a Motion to Compel Discovery Responses pertaining to Defendants' outstanding discovery responses to Plaintiff's discovery requests. On

November 30, 2005 this Court entered an Order that Defendants would have until December 9, 2005 to respond to the Motion to Compel.

5. On December 12, 2005 the Court entered an Order that Defendants had until January 13, 2006 to respond to Plaintiff's discovery requests.

6. Ultimately, on Friday, January 13, 2006 Defendants Provided Answers to Plaintiff's First Set of Interrogatories and Requests for Production of Documents. Further, on Friday, January 13, 2006 Defendants forwarded documents in response to the Requests for Production which Plaintiff's counsel received on Tuesday January 17, 2006.

7. During the depositions of Joyce Covatto and Trish DeSanti-Boehm, they acknowledged that Defendants have not fully answered Plaintiff's First Set of Interrogatories and Requests for Production of Documents numbers 1(k) and 2. Ms. DeSanti-Boehm agreed to produce the documents in question. This information is central to this matter and pertains to disbursements of monies received by Defendants and not paid to Plaintiff.

8. Plaintiff contacted counsel for Defendants in an attempt to obtain these documents. (*See*, letter faxed to Attorney Markham on Friday, May 26, 2006 and attached hereto as Exhibit "A"). To date, Plaintiff has not received the information requested.

9. Without the requested information, Plaintiff will be seriously prejudiced in its ability to prepare this case for trial.

10. Further, Plaintiff has been attempting to schedule the deposition of Al Cavotto over the course of this litigation to no avail and Defendants have not produced Mr. Cavotto for

deposition to date. Mr. Cavotto is a key witness in this matter and has information central to the matters in this case.

11. Without the ability to depose Mr. Cavotto, Plaintiff will be seriously prejudiced in its ability to prepare this case for trial.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to enter an Order compelling Defendants to respond to said discovery within fifteen (15) days or suffer sanctions as this Court may deem appropriate. Further, Plaintiff respectfully requests this Honorable Court to enter an Order that Mr. Cavotto be produced for deposition within the next thirty (30) days or suffer sanctions as this Court may deem appropriate.

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

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Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that true and correct copies of the foregoing MOTION TO COMPEL DISCOVERY RESPONSES has been served this 30<sup>th</sup> day of May, 2006, by Facsimile and U.S. first-class mail, postage prepaid, to counsel of record listed below:

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Respectfully submitted,

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